

### REMARKS

Applicants amended claims 15, 18 and 30. Claims 1-5, 7-13, 15, 18, and 21-44 are presented for examination.

Claims 1-5, 7-13, 15, 18, and 21-44 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Pat. No. 6,265,104 (Hull). The independent claims are 1, 8, 9, 15, 18, 21, 26, 27, 30, 33, 36, 37, and 43.

Independent claims 1, 27, 33, and 37 recite a battery system including a casing configured to receive one or more batteries and to be used with an electronic device. In rejecting these claims, the Examiner relied on col. 1, lines 50-53 of Hull, which states:

The metal-air battery of the invention features a simple design. One or both ends of the cell, or battery, container are sealed with hot melt materials.

But neither the above passage nor the remaining specification in Hull describes or suggests the casing as claimed. Rather, in the above passage, Hull is referring a battery container, which corresponds to the can recited in Applicants' claims. Applicants request that the rejection be reconsidered and withdrawn.

Independent claims 8, 9, 15, 18, and 30 recite a battery including a can having a rectangular cross section, a closed end and open end, and a seal assembly attached to the open end of the can. In rejecting these claims, the Examiner relied on col. 6, lines 35-41 of Hull, which states:

Although the above discussion generally relates to cylindrical cells (e.g., AAAA, AAA, AA, C, and D cells) conductive and non-conductive hot melt materials can also be used to seal metal-air batteries other than cylindrical batteries. For example, button cells and prismatic cells can be sealed with hot melt materials using the methods and materials described herein.

The Examiner did not elaborate on the rejection, but it appears that the Examiner is relying on Hull's reference to a prismatic cell as disclosing a battery including a can having a rectangular cross section, a closed end and open end, and a seal assembly attached to the open end of the can. Clearly, Hull does not expressly disclose or suggest the battery including the can as claimed.

Furthermore, since various embodiments of prismatic cells exist (such as described in U.S. Pat. No. 6,270,921) that do not have the features recited in Applicants' claims, Hull also does not inherently disclose or suggest the battery as claimed. Therefore, Applicants request that the rejection be reconsidered and withdrawn.

Independent claims 21, 26, 36 and 43 recite a battery including a can having a triangular cross section. In rejecting these claims, the Examiner again relied on col. 6, lines 35-41 of Hull for support of a can having a triangular cross section. But, as discussed above, Hull provides no indication, expressly or inherently, that the prismatic cell has a triangular cross section, as claimed. Applicants note that, as used in the battery industry, a prismatic cell can have the overall shape, for example, of a rectangular prism. Therefore, Applicants request that the rejection be reconsidered and withdrawn.

The dependent claims are patentable over Hull for at least the same reasons that the independent claims are patentable over Hull.

For at least the reasons discussed above, Applicants believe the claims are in condition for allowance, which action is requested.

The undersigned representative understands that the Examiner spoke to the representative's assistant (Alissa Passacantilli) on March 17, 2004, and the objections to the drawings will be withdrawn since formal drawings were filed on December 8, 2000.


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Respectfully submitted,

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